

## **VOIR DIRE PROCEDURES IN JUDGE HELLER'S COURT**

### **Before Voir Dire:**

1. The bailiff or clerk will provide counsel with a list of the court's general voir dire questions and jury seating charts.
2. Counsel may submit proposed general voir dire questions they wish the court to ask.
3. [Civil cases] Counsel shall submit a proposed, written brief summary of the case to be read to the jurors at the beginning of voir dire. Use plain English and avoid legal jargon as much as possible.
4. After consulting with counsel the court will decide the length of time for each counsel's questioning of the panel, the number of alternate jurors and the size of the panel.

### **Assignment of a Jury Panel:**

5. We receive from the jury room a randomized list of jurors and the juror information sheets.
6. Each juror is assigned a number, beginning with number one. Each juror has only this number and this is the number used during voir dire. Each juror will receive a large card, showing this number.

### **The Procedure Upon Arrival of the Panel:**

7. The jurors are brought into the courtroom by the bailiff. Jurors 1 through 14 are seated in the jury box. (Lower left corner is number one, upper left corner is number seven.) The remaining jurors sit on the benches, 10 jurors per row, starting with number 15 in the first row on the left.
8. The judge reads the introductory remarks, the jurors are sworn to answer questions, and the court asks general voir dire questions.

### **Procedure for Voir Dire:**

9. During the court's general voir dire questions the court inquires if jury service will present an undue hardship and inquires of the jurors as to the nature of their respective hardships. The court will determine whether to excuse a juror based on hardship.

10. Each counsel may inquire of the entire panel for the predetermined length of time. Each party is normally allowed two segments and may reserve whatever time is not used in the first segment for the second.
11. The sole purpose of voir dire is to elicit information that will enable the parties to make an informed exercise of peremptory challenges and challenges for cause. Questions are governed by the following general rules:
  - (a) questions must be reasonable. See Generally CR 47(a);
  - (b) questions are proper if they are germane to the particular ground of possible disqualification disclosed by responses to the judge's questions;
  - (c) inquiry is proper as to employment, business, experience or feelings and beliefs of any juror where the juror's special knowledge, sympathy or bias could reasonably affect his or her ability to be impartial;
  - (d) questions may not be used to establish rapport with a juror;
  - (e) questions should not be repetitious, embarrassing, or unfair;
  - (f) argumentative questions are improper, especially if designed to present a party's view of the case;
  - (g) questions that anticipate instructions on the law are improper;
  - (h) asking a juror to speculate on his or her verdict if certain facts are proved is improper;
  - (i) lawyers may not solicit a juror's opinion about the law or legal terms.
12. At the end of the inquiry by counsel, each party exercises its peremptory challenges, alternating between parties until twelve jurors in the jury box are accepted by all parties. The challenges are to be directed at all the jurors in the box, including the one or two alternates who will be randomly selected at the end of the trial.
13. As jurors are challenged and excused from the box, remaining members of the panel are assigned to the vacated seats in order of the juror numbers, starting with juror number 14 or 15.
14. The remaining jurors are thanked and excused to return to the main jury room.